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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,510	12/05/2001	Bahman Radjabi	40101/03501	2290
30636	7590	10/22/2004	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER

2124

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. -10/007,510	Applicant(s) RADJABI, BAHMAN	
	Examiner Satish S. Rampuria	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.101.
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on 12/05/2001.
2. Claims 1-25 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are non-statutory because they recite components of generating the software code, representing functional descriptive material without a computer readable medium or computer implemented, program per se are not tangibly embodied. Claims 14-25 thus amounts to only abstract idea and are nonstatutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6-18, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,681,383 to Pastor et al. (hereinafter called Pastor).

Per claim 1:

Pastor disclose:

- a database (col. 5, line 15 “storage device”) containing device profile data and network specification data (col. 3, lines 55-57 “Based on the formal... a formal specification for the software application is produced and validated, from which the software application is generated”); and
- a code generation engine configured to automatically generate software code (col. 3, lines 51-52 “an automated software production tool, software... provided”) for a network device as a function of the device profile data, the network specification data and customized device data (col. 3, lines 55-57 “Based on the formal... a formal specification for the software application is produced and validated, from which the software application is generated”).

Per claims 2, 8, 11, and 13:

The rejection of claim 1 is incorporated, and further, Pastor disclose:

- a graphical user interface, wherein the customized device data is received via the graphical user interface (col. 3, lines 26-27 “system requirements are captured (e.g. through a graphical user interface”).

Per claims 3, 6, and 7:

The rejection of claim 1 is incorporated, and further, Pastor disclose:

- wherein the device profile data defines device objects, optional features, functions and a device linkage interface (col. 10, lines 20-27 “object model is a graphical model that allows the system designer to specify the entities employed in the application... the class definitions include, for example, attributes, services and class relationships... agent relationships are specified to state that services that objects of a class are allowed to activate”. Also, fig. 3 and related discussion).

Per claim 4:

The rejection of claim 3 is incorporated, and further, Pastor disclose:

- wherein the software code includes a first code and a second code, the code generation engine being configured to generate the first code for the device objects and the second code for the device linkage interface (col. 25, lines 25-29 “translator 232 automatically generates code for a third generation programming language from information in the high level repository. The output of the system logic translator 232 corresponds with the middle-tier in a three-tiered architecture”).

Per claims 9 and 10:

The rejection of claims 8 and 7 respectively, is incorporated, and further, Pastor disclose:

- wherein the optional features include optional attributes, optional services, optional data types, optional states and optional data forms (col. 12, lines 14-15 “a dynamic model is

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provided... dynamic model specifies the behavior of an object... triggers and global transactions...”).

Per claim 12:

The rejection of claim 2 is incorporated, and further, Pastor disclose:

- wherein the graphical user interface includes a hierarchal tree representation (fig. 3 and related discussion).

Claims 14-18 and 20-25 are the method claim corresponding to system claims 1, 2, 6, 7, 8, 9, 10, 12, 1, and 11 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1, 2, 6, 7, 8, 9, 10, 12, 1, and 11 respectively, above.

Substantially as claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastor in view of US Patent No. 6,158,031 to Mack et al. (hereinafter called Mack).

Per claim 5:

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The rejection of claim 1 is incorporated, and further, Pastor does not explicitly disclose wherein the device profile data and the network specification data conform to the DeviceNet specification.

However, Mack discloses in an analogous computer system wherein the device profile data and the network specification data conform to the DeviceNet specification (col. 2, lines 11-14 "The ASN.1 document specification information is parsed... to provide automatic generation of: computer software based models to simulate operations of network entities").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of network specification data conform to device on the network as taught by Mack into the method of generating code for the network devices as taught by Pastor. The modification would be obvious because of one of ordinary skill in the art would be motivated to map or conform the device specification with network specification in generation of code for the device to provide the accurately and efficiently code to test telecommunications systems as suggested by Mack (col. 1, lines 55-67).

Claims 19 and 25 are the method claim corresponding to system claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **703-305-8891**. The examiner can normally be reached on **8:30 am to 5:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **(703) 305-9662**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2124
10/18/2004



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